

AMENDED IN ASSEMBLY APRIL 20, 2005

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1587

Introduced by Assembly Member Saldana

February 22, 2005

An act to add Section 598e to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1587, as amended, Saldana. Farmed Animal Reform Act.

Existing law generally regulates the slaughter of agricultural animals.

This bill would provide *that*, notwithstanding any *other* provision of law, ~~that~~ it is unlawful to kill or to attempt to kill any cow or bull, calf, horse, mule, sheep, swine, goat, fallow deer, or poultry by burning, burying, grinding, drowning, rapid freezing, or suffocation, *as specified*. This bill would also provide that these provisions may be enforced by a peace officer, humane officer, or animal control officer. This bill would provide that any person or entity that violates these provisions shall be subject to a civil penalty of \$1,000 for each violation, \$1,000 for each day that the violation continues, and criminal prosecution. Because this bill would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 598e is added to the Penal Code, to
2 read:
- 3 598e. (a) (1) Notwithstanding any other provision of law, it
4 is unlawful for any person to kill or to attempt to kill any cow or
5 bull, calf, horse, mule, sheep, swine, goat, fallow deer, or poultry
6 by any of the following methods:
- 7 (A) Burning.
 - 8 (B) Burying.
 - 9 (C) Drowning.
 - 10 (D) Grinding.
 - 11 (E) Rapid freezing.
 - 12 (F) Suffocation.
- 13 (2) To be lawful, any method of slaughter employed shall be
14 generally accepted by the veterinary profession as reliable,
15 appropriate to the species of animal upon which it is employed,
16 and capable of producing loss of consciousness and death as
17 rapidly and painlessly as possible. A suffering or incapacitated
18 animal shall either receive veterinary care or be immediately and
19 humanely killed.
- 20 (b) For purposes of this section, the following terms have the
21 following meanings:
- 22 (1) "Burning" means killing or attempting to kill an animal
23 through the use of fire or other heat source.
 - 24 (2) "Burying" means killing or attempting to kill an animal by
25 covering it with dirt, or other animals or matter, in order to cause
26 death by asphyxiation.
 - 27 (3) "Drowning" means killing or attempting to kill an animal
28 by submerging it in liquid, in order to cause death by
29 asphyxiation.
 - 30 (4) "Grinding" means killing or attempting to kill an animal ~~by~~
31 ~~maceration or dismemberment.~~ *with a machine not intended to be*
32 *used with or on animals, including, but not limited to, a wood*
33 *chipper.*
 - 34 (5) "Rapid freezing" means killing or attempting to kill an
35 animal by causing immediate hypothermia.

1 (6) “Suffocation” means killing or attempting to kill an animal
2 ~~by restricting its intake of oxygen in order to cause death by~~
3 ~~asphyxiation.~~ *using a plastic bag or by piling other animals or*
4 *items on top of the animal so that the animal is unable to intake*
5 *the requisite amount of oxygen necessary to survive.*

6 (c) A peace officer, humane officer for the humane society or
7 society for the prevention of cruelty to animals, as defined in
8 Section 14502 of the Corporations Code, or an animal control
9 officer, as defined in Section 830.9 of the Penal Code, may
10 enforce these provisions.

11 (d) Any person or entity that violates this section shall be
12 subject to a civil penalty of one thousand dollars (\$1,000) for
13 each violation and one thousand dollars (\$1,000) for each day
14 that the violation continues, which shall be payable to the local
15 agency initiating the enforcement of this section to offset any
16 related costs.

17 (e) In addition to the penalties specified in subdivision (d), a
18 person or entity that violates this section shall be subject to the
19 penalty specified in Section 19440 *of the Food and Agricultural*
20 *Code* and may be prosecuted by the district attorney of the
21 county, or the city attorney of the city, in which the violation
22 occurred.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the
28 penalty for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition of a
30 crime within the meaning of Section 6 of Article XIII B of the
31 California Constitution.